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AZ CORP COMMISSION
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Arizona Corporation Commission
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BEFORE THE ARIZONA CORPORATION COMMISSION

7 IN THE MATTER OF THE APPLICATION) DOCKET NO. W-01651B-99-0351
8 OF VAIL WATER COMPANY FOR)
9 AUTHORITY TO ISSUE PROMISSORY)
10 NOTE(S) AND OTHER EVIDENCE OF)
11 INDEBTEDNESS PAYABLE AT PERIODS)
12 OF MORE THAN TWELVE MONTHS)
13 AFTER THE DATE OF ISSUANCE.)

14 IN THE MATTER OF THE APPLICATION) DOCKET NO. W-01651B-99-0406
15 OF VAIL WATER COMPANY FOR A RATE)

16 INCREASE.) MOTION FOR ORDER NUN PRO TUNC

17 1. On January 12, 2000, in Decision 62241, the Commission granted an extension of the
18 Company's Certificate of Convenience and Necessity and additionally authorized the Company
19 to receive advances from Developers within that area to install certain facilities.

20 2. In Paragraph No. 10 of that Decision, the Commission referenced an Annexation
21 Participation Agreement which stated in pertinent part:

22 "10. All of the property owners in the proposed extension area have entered into
23 the Agreement, a copy of which is attached hereto as Exhibit B, and incorporated
24 herein by reference. Pursuant to the Agreement, the landowners in the extension
area are required to pay their proportionate share of the cost associated with the
proposed extension, including: (1) a \$175,000.00 contribution for upgrade to
Vail's wells, looping of wells, booster, pumps, electrical and water to complete

1 the upgrades, attorneys' fees, engineering fees and administrative fees:..."

2 (emphasis added)

3 3. On April 14, 2000, the Commission issued Decision No. 62450, authorizing, among
4 other things, financing of certain projects, including the utilization of monies advanced pursuant
5 to Decision 62241. Finding of Fact No. 12, in Decision 62450 stated:

6 "...Pursuant to the Annexation Participation Agreement, the extension area
7 landowners would provide \$175,000.00 to pay for upgrades to Well Nos. 3 and 6
8 and to provide trenching to loop the two wells plus the cost of any boosters,
9 pumps, electrical and water required to complete the upgrades." (emphasis added)

10 4. Because the two above cited provisions from the two separate Orders could be
11 interpreted as inconsistent, Vail is concerned that there may be a question as to the Company's
12 authority for utilization of the \$175,000.00 in developer advances to pay for the materials
13 associated with the loop, as opposed to only the trenching costs.

14 5. To clarify the issue, the Company would respectfully request the sentence starting on
15 page 14, line 4 of Decision 62450 be stricken, and the following language inserted:

16 "Pursuant to the Annexation Participation Agreement, the extension area
17 landowners would provide, among other things, a \$175,000.00 contribution for
18 upgrades to Vail's wells, looping of wells, boosters, pumps, electrical and water
19 to complete the upgrades, attorneys' fees, engineering fees and administrative
20 fees."

21 6. For the convenience of the Hearing Officer, we have attached a draft form of Order
22 for your review and revision.

1 Respectfully submitted this 15th day of May, 2000.

2 SALLQUIST & DRUMMOND, P.C.

3 By Richard L. Sallquist

4 Richard L. Sallquist
5 2525 East Arizona Biltmore Circle, Suite 117
6 Phoenix, Arizona 85016
7 Attorney for Vail Water Company

8 Original and ten copies of the
9 foregoing filed this 15th day
10 of May, 2000, with:

11 Docket Control
12 Arizona Corporation Commission
13 1200 West Washington
14 Phoenix, Arizona 85007

15 Copies of the foregoing faxed/hand delivered
16 this 15th day of May, 2000 to:

17 Jane Rodda
18 Hearing Division
19 Arizona Corporation Commission
20 400 W. Congress
21 Tucson, AZ 85701
22 Fax: (520) 628-6559

23 Hearing Division
24 Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

Legal Division
Arizona Corporation Commission
1200 W. Washington St.
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Utilities Division
Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

25 Elizabeth Sawyer

1 CARL J. KUNASEK
CHAIRMAN
2 JAMES M. IRWIN
COMMISSIONER
3 WILLIAM MUNDELL
COMMISSIONER
4

5 **BEFORE THE ARIZONA CORPORATION COMMISSION**

6 IN THE MATTER OF THE APPLICATION) DOCKET NO. W-01651B-99-0351
7 OF VAIL WATER COMPANY FOR)
8 AUTHORITY TO ISSUE PROMISSORY)
9 NOTE(S) AND OTHER EVIDENCE OF)
10 INDEBTEDNESS PAYABLE AT PERIODS)
11 OF MORE THAN TWELVE MONTHS)
12 AFTER THE DATE OF ISSUANCE.)

13 IN THE MATTER OF THE APPLICATION) DOCKET NO. W-01651B-99-0406
14 OF VAIL WATER COMPANY FOR A RATE)
15 INCREASE.) **ORDER NUN PRO TUNC**
16 **DECISION NO. _____**
17

18 1. On January 12, 2000, we issued Decision 62241, which among other things,
19 authorized Vail Water Company to use advances from Developers to make certain improvements
20 to the Vail's facilities.

21 2. On April 14, 2000 in Decision 62450 we authorized Vail to issue additional financing
22 for certain projects, some of which were to be partially funded by the advances authorized in
23 Decision 62241.

24 3. To clarify the interrelationship between Decision 62241 and Decision 62450 we
hereby issue this Order Nun Pro Tunc.

IT IS THEREFORE ORDERED that the sentence commencing on Page 4, line 14 of
Decision 62450 is stricken and the following sentence inserted: "Pursuant to the Annexation
Participation Agreement, the extension area landowners would provide, among other things, a
\$175,000.00 contribution for upgrades to Vail's wells, looping of wells, boosters, pumps,

1 electrical and water to complete the upgrades, attorneys' fees, engineering fees and
2 administrative fees."

3 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

4 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

5
6 CHAIRMAN

COMMISSIONER

COMMISSIONER

7
8 IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive
9 Secretary of the Arizona Corporation Commission, have hereunto set
10 my hand and caused the official seal of the Commission to be affixed
11 at the Capitol, in the City of Phoenix, this ____ day of _____,
12 2000.

13
14 BRIAN C. McNEIL
15 EXECUTIVE SECRETARY

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